

AE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ANTWAN TURNIPSEED,)	
)	
Plaintiff,)	
)	
v.)	No. 05 C 6815
)	
OFFICER STATHAM, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

Antwan Turnipseed ("Turnipseed") has tendered a self-prepared Complaint under 42 U.S.C. §1983 ("Section 1983").¹ Accompanying his Complaint are (1) an In Forma Pauperis Application ("Application") that is in full compliance with 28 U.S.C. §1915 ("Section 1915") and (2) a Motion for Appointment of Counsel ("Motion"), each of those requests also being made on a form provided by this District Court's Clerk's Office.

To begin with, this Court grants the Application as prescribed by Section 1915(a)(1)--but that means only that Turnipseed need not pay the entire \$250 filing fee in advance. Instead he is liable for that full amount (Section 1915(b)(1)), to be paid in installments.

Because the printout of Turnipseed's trust fund account transactions at the Cook County Jail ("County Jail," where he is

¹ "Self-prepared" is used in the sense that Turnipseed has employed the form provided by this District Court's Clerk's Office for utilization by persons in custody, filling in the blanks with handwritten information.

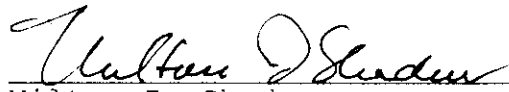
now in custody) shows no deposits at all during the six-month period provided for in Section 1915(a)(2), no initial partial filing fee needs to be made at this time under Section 1915(b)(1). But for future purposes the authorities at the County Jail are required to comply with the provisions of Section 1915(b)(2) in calculating and in making payments on account of the fee. All such payments must be marked with the 05 C 6815 case number and transmitted to the Clerk of Court:

Clerk, United States District Court
219 South Dearborn Street
Chicago IL 60604
Attention: Fiscal Department

As for Turnipseed's substantive grievance, he fails at the outset. Although he states in Complaint ¶III.E that the grievance procedure at the County Jail has been completed, that is directly contradicted by his statements in Complaint ¶III.C.1 and C.2, a photocopy of which statements is attached to this memorandum order. And that being the case, the acknowledged pendency of an investigation (the obvious meaning of Turnipseed's reference to "vestigation") means that he has not satisfied the precondition to suit prescribed in 42 U.S.C. §1997e(a).

That failure compels the dismissal of the Complaint and this action, and this Court so orders. Finally, although the Motion is deficient in having failed to provide the required information as to Turnipseed's efforts to retain counsel on his own, that

becomes irrelevant--the Motion is simply denied as moot.

A handwritten signature in cursive script, reading "Milton I. Shadur", written over a horizontal line.

Milton I. Shadur
Senior United States District Judge

Date: December 9, 2005

III. Exhaustion of Administrative Remedies

You are required to exhaust all your available administrative remedies before bringing an action in federal court.

A. Is there a grievance procedure available at your institution?

YES (☒) NO () If there is no grievance procedure, skip to F.

B. Have you filed a grievance concerning the facts in this complaint?

YES (☒) NO ()

C. If your answer is YES:

1. What steps did you take?

A Grievance was file.

2. What was the result?

The Cook County Sheriff police is doing A VESTICATION.

3. If the grievance was not resolved to your satisfaction, did you appeal? What was the result (if there was no procedure for appeal, so state.)

THERE IS NO Appeal.

D. If your answer is NO, explain why not:

THERE IS NO Appeal.